Previous references.

1908-9
(Legislation)

File No. 6 of 08-9

Serial Nos. nil

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Nil.

Part B. for July 09

SUBJECT.

A regulation to amend the law relating to explosive substances —

(No orders as yet passed)

G.R.S. 15]

Facing sheet for Cases included in the schedule appended to Notification No. 36 of the 8th. Aug. 1902.

GENERAL AND REVENUE SECRETARIAT.

Subject— Draft of a Bill to amend the law relating to explosive substances.

	Date	Initial of Officer himself or responsible Deputy.
Received in the Secretariat		
Submitted to Secretary		
Submitted by Secretary to Dewan or Councillor in charge		
Returned to Secretary		
Circulated by Secretary for Council ...	29. 8. 08	
Forwarded by 1st Councillor	Seen by 1st Cl.	
Forwarded by Councillor		
Received in Secretariat		
Considered in Council		
Submitted to the Dewan		
Submitted to His Highness		
Orders passed by His Highness		
Final Orders issued		
Circulated to Councillors		
Passed on by the Councillor		
Returned to Secretary by Councillor...		

GPB—1,000—31-3-06.

G.R.S. 11] 1908-09

GENERAL AND REVENUE SECRETARIAT.

(Legislative)

NOTES.

File No. 6 – 08-09

FILE HEADING.

A Regulation to amend the law relating to explosive substances.

From

No.	Dated	Received

Diary No.	Enclos	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First sheet.

GPB—30,000—20-3-06.

G.R.S. 13]

J Inc 9700 2

~~Routine Notes.~~ Legs 6(508-09

[To be used only for notes, requisitions, etc., not intended for permanent record.]

~~Act~~

1. The Bombay Govt Gazette
& 18/6/08, contains the
Act of Govt of India No VI of
08. entitled the Explosive
Substances Act, 1908, is subd
for perusal

20/6/08 ✓ Submitted to
the Hon'ble for perusal
22.6.08

(3)

23.6.08. In the Secretariat
consultation as to
whether the Secy
in the Legislative Deptt
may not be asked to
make proposals for
adapting this Act in
Guyana

23 June 08

Ordered 24-6-08

24.6
95-13

Yes he may
be asked to draft
an act

To the Legislative Dept of Govt.

MGCPB—50,000—22-9-04

N. B.—Should routine notes be written on small Slips, the notes must be copied, or silps pasted on this form.

G.R.S. 13]

Legn. 6-08

3

~~Routine Notes.~~

Legn. 6 of 1908-09

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Ind. Pro. 3.

1

7 As directed I enclose a Draft (in duplicate) Regulation to regulate on the lines of the Prohibition of Indian Explosive Substances Act VI of 1908" - The latter has been adopted in entirety with a few verbal additions (underlined in red in the Draft Regn. to regulate).

8 A statement of Objects & Reasons may be drawn up in the Legislative Dept similar to that published by the Govt of India

W. A. Inverarity

Simla
3rd August 1908

Secy. to Govt

To The Secretary to Govt
Genl & Rev Depts

---

9 The Bill will be introduced in the Legislative Council by

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

MGCPB—50,000—22-9-04

Serial No.

10. Subd with a draft statement of objects & reasons.

SN 10/4/08 The Under Secy) 10/8/08

11) Please retype the statement of objects & reasons

Subd with a typed copy SN

12) CRB 17/8/08

Subd. with a retyped copy. KV. SN 18/8 Under Secy) 18/8/08

13) A draft statement of objects & reasons is put up

14) The addns suggested by the Govt. Dept are not very material & are not very necessary either.

Clause 1 (3) :- Commencement of the Regn need not be specified as under the General clause Regn the Regn will unless otherwise specified come into force from the day on which it is assented to by H.H. the Maharaja.

15) The other addns are also unnecessary.

Secy) CRB 24/8/08

16) The addition may remain.

In clause 1 (3) I have made the Regn come into force on the day of its first publication in the Official

16) This may be all right where the new law deals with dacoits acts (as in the present case). But if there is an interval of time between the passing of the Act & the publication of the Regn, the operation of the Act may cause hardship on people who are not aware of it having come into force.

NOTE—Contn sheet.

GPB—50,000—17-3-07

Serial No.

Gazette. As a rule it is not expedient to subject people to new laws before these have been actually promulgated. In the present case it is possibly otherwise, the use of explosive substances for criminal purposes being an act-wicked in itself & undeserving of any consideration. [illegible] 25/8/08

18) Circulate to Council after submission of draft Bill [illegible] 25/8/08

19) Draft Bill with objects and reasons may be approved — [illegible] 28/8/08

7960 26-8-1908

20) I concur [illegible] 29/8/08

Mr. Clerk — This might be taken up later on

21) Dewan [illegible] 31/8/08

Dewan's order

22) This may be taken up later on [illegible] 2/9/08

23) Let this lie over, & say [illegible] the end of the calendar year. [illegible] 3-9-08

[illegible] 1909

NOTE—Contn sheet.

C. 70.
29. 8. 08.

6

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

Draft of a Bill to amend the law relating to explosive substances.

Circulated to Councillors.

By Order,

29th August 190 8.

Secretary.

T. ANANDA ROW, Esq., B.A.,
First Councillor.

Seen by First Councillor.

K. P. PUTTANNA CHETTY, Esq.,
Second Councillor.

29/8/08

10232
1.9.08

7

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet. draft form.*)

Draft D. O

Dear - - -

I forward herewith for your information a copy of the Explosives Substances Bill with a Statement of Objects and Reasons therefor. The bill is based on the ~~Govt~~ Indian Explosives Substances Act (VI of 1908) which was passed by the Govt of India recently. If you have no objection the Durbar intend to introduce it in the Legislative Council

Yours sincerely

Dewan

VSB
16/9/09

Referred to
Kept by be
1/6/1906

8

Submitted to His Highness.

I submit the draft of a bill to amend the law relating to explosive substances based on the recent Act of the Government of India, with a statement of objects and reasons. If approved the bill will be placed before the Legislative Council after consulting the Hon'ble the Resident.

G. R. S. 12]
General and Revenue Secretariat.

Legs. File No. 63 of 1902-09 9

Serial No.

Leg[d] 24) The Dewan desires (in margin, By premier's order) that the Explosives Bill be proceeded with. Please submit to Dewan a draft D.O. letter to the Resident intimating the Durbar's intention to introduce the Bill into the Leg[e] Council.

10/9/08

25) Submitted with a draft D.O. letter as desired.

11/9/08

Under Sec[y]

15/9/08

Dewan

26) 10403 17-9-08

17/9/08

The draft D.O. was submitted by the late Dewan Mr. Chandy and the observations noted by the Maharaja. Perhaps Mr. Mathews has thought that legislation was not necessary in Mysore. The subject may therefore be placed before the Council as at present constituted with 13 princes.

27) Circulate.

Seen 17/9/08

15/9/08

Seen. The draft seems to be all right.

17/9/08

Hy

28) Secl clerk 18/9/08

29) 30)

NOTE—Contn. sheet.

GPB—50.000—13-7-08

Serial No.	
	31 May this be brought up at a Council meeting? Submit for orders Dewan) 1274 24/6/09 32 per Atty Council clerk. 33 Please note for next meeting. SB 24/6/09
	34 The question was informally considered at the Council meeting held on the 8th July 09 and it was decided that the subject might be dropped. 35 File No order CSB 9/7/09 SB 9/7/09
	R 9/7/09

NOTE—Contn sheet.

D R A F T.

~~Regulation No. of~~

A Bill

~~Regulation~~ to amend the law relating to explosive substances.

Whereas it is expedient to amend the law relating to explosive substances; ~~It is hereby~~ enacted as follows:-

Short title, extent and commencement & application.

1. (1) This Regulation may be called the Mysore Explosive Substances Regulation.

(2) It extends to the whole of ~~the territories of~~ Mysore.

(3) It shall come into force on the day of its first publication in the Official Gazette.

Definition of "explosive substance"

2. In this ~~Act~~ Regulation the expression "explosive substance" shall be deemed to include any materials for making or which may be used for making any explosive substance; also any apparatus, machine, implement, or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine, or implement.

Punishment for causing explosion likely to endanger life or property.

3. Any person who unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with transportation for life or any shorter term, to which fine may be added. or with imprisonment for a term which may extend to ten years, to which fine may be added.

Punishment for attempt to cause explosion, or for making or keeping explosive substance with intent to endanger life or property.

4. Any person who unlawfully and maliciously -

(a) does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosion in ~~the territories of~~ Mysore of a nature likely to endanger life or to cause serious injury to property; or

(b) makes or has in his possession or under his control any explosive substance with intent by means thereof to endanger life, or cause serious injury to property in ~~the territories of~~ Mysore, or to enable any ~~other~~ person by means thereof to

endanger life or cause serious injury to property in ~~the territories of~~ Mysore;

shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be punished with transportation for a term which may extend to twenty years, to which fine may be added, or with imprisonment for a term which may extend to seven years, to which fine may be added.

Punishment for making or possessing explosive substances under suspicious circumstances.

5. Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be punishable with transportation for a term which may extend to fourteen years, to which fine may be added, or with imprisonment for a term which may extend to five years, to which fine may be added.

Punishment of abettors.

6. Any person who by the supply of or solicitation for money, the providing of premises, the supply of materials

or in any manner whatsoever, procures, counsels, aids, abets, or is accessory to, the commission of any offence under this Regulation shall be punished with the punishment provided for the offence

Restriction on trial of offences.

7. No Court shall proceed to the trial of any person for an offence against this Regulation except with the consent of the Government of His Highness the Maharaja of Mysore.

Draft

Statements or objections and reasons.

Recent events in British India have brought prominently to notice the inadequacy of the existing law to deal with crimes committed by means of explosives substances.

The existing laws in Mysore viz. the Mysore Explosives - Regulation ~~No~~.II of 1888 and the Mysore Arms Regulation VI of 1890, though they regulate the possession of arms and explosives do not adequately deal with serious crimes caused by means of explosive substances. The Government therefore consider it necessary to supplement these laws by a Regulation on the lines of the Indian Explosives Substances Act, VI of 1908.

This bill provides for the punishment of any person who unlawfully & maliciously causes an explosion, likely to endanger life or property or who attempts to cause such an explosion, or makes or has in his possession any explosive substance with intent to endanger life or property. It further makes the manufacture or possession of explosive substances for any other than a lawful object a substantive offence and throws on the person who makes or is in possession of any explosive substance the onus of proving that the making or possession was lawful. It also provides adequately for the punishment both of principals and accessories.

CB
21/8/082

D R A F T.

Regulation No. of

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Whereas it is expedient to amend the law relating to explosive substances; It is hereby enacted as follows:-

Short title, extent and application.

1. (1) This Regulation may be called the Mysore Explosive Substances Regulation.

(2) It extends to the whole of the territories of Mysore.

(new)

(3) It shall come into force on the

Definition of "explosive substance".

2. In this ~~Act~~ Regulation the expression "explosive substance" shall be deemed to include any materials for making or which may be used for making any explosive substance; also any apparatus, machine implement, or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine, or implement.

Punishment for causing explosion likely to endanger life or property.

3. Any person who unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with transportation for life or any shorter term, to which fine may be added, or with imprisonment for a term which may extend to ten years, to which fine may be added.

Punishment for attempt to cause explosion, or for making or keeping explosive substance with intent to endanger life or property.

4. Any person who unlawfully and maliciously -

(a) does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosion in the territories of Mysore of a nature likely to endanger life or to cause serious injury to property: or

(b) makes or has in his possession or under his control any explosive substance with intent by means thereof to endanger life, or cause serious injury to property in the territories of Mysore, or to enable any other ~~other~~ person by means thereof to

endanger life or cause serious injury to property in the territories of Mysore;

shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be punished with transportation for a term which may extend to twenty years, to which fine may be added, or with imprisonment for a term which may extend to seven years, to which fine may be added.

Punishment for making or possessing explosive substance under suspecious circumstances.

5. Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be punishable with transportation for a term which may extend to fourteen years, to which fine may be added, or with imprisonment for a term which may extend to five years, to which fine may be added.

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7. No Court shall proceed to the trial of any person for an offence against this Regulation except with the consent of the Government of His Highness the Maharaja of Mysore

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